

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2004:

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Present

Vote

Thomas G. Shepperd, Jr., Chairman  
James S. Burgett, Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
Kenneth L. Bowman

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following ordinance was adopted:

AN ORDINANCE TO AMEND CHAPTER 19 OF THE YORK COUNTY CODE, SOLID WASTE, GARBAGE, AND WEEDS, TO AMEND THE DEFINITION OF "SOLID WASTE" AND ADD A DEFINITION FOR "UNACCEPTABLE WASTE," DEFINE PARAMETERS FOR SOLID WASTE COLLECTION SERVICES, INCLUDING THE COLLECTION OF YARD WASTE AND BULKY ITEMS, AND GENERALLY RESTRICT THE PLACEMENT OF BAGS OR BUNDLES OF WASTE MATERIALS FOR COLLECTION OUTSIDE OF A COUNTY-FURNISHED CONTAINER, AND INCREASE CERTAIN FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND YARD WASTE

**ARTICLE I. IN GENERAL**

**Sec. 19-1. Definitions.**

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section.

*Collection.* Removal of solid waste from its place of origin or storage to a transportation vehicle.

*Collection vehicle.* Any vehicle used to collect or transport solid waste.

*Collector.* any person engaged in the business of the collection and transportation of solid waste.

*Commercial/business waste.* Solid waste emanating from establishments engaged in business. This category includes but is not limited to solid waste resulting from such establishments as stores, markets, office buildings, restaurants, shopping centers, theaters and waste from households that are not eligible for the county's residential waste collection service.

*Compacted refuse.* Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at a disposal facility.

*Construction, clearing and/or demolition debris.* The waste building material, packaging and rubble resulting from construction, land clearing, remodeling, repair and demolition operations on pavements, houses, vacant land, commercial buildings and other structures.

*County administrator.* The county administrator of York County, Virginia, or his authorized designee.

*Disposal facility.* Any site used for the disposal of solid waste including but not limited to transfer stations, resource recovery complexes, recycling centers, sanitary landfills, drop-off convenience centers, and composting plants.

*Foreign growth.* Any plant or grouping or mass of plants, including grass and weeds, whether or not indigenous.

*Garbage.* Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving or consumption of food.

*Hazardous waste.* Solid waste which because of its inherent nature and/or qualities requires special handling during disposal to avoid creating environmental damage or hazards to public health or safety or landfill operations. Hazardous waste includes but is not limited to such items as petroleum waste, paints, plastics, explosives, acids, caustics, chemicals, poisons, drugs, radioactive materials, asbestos fibers, imported wool fibers, pathogenic wastes from hospitals, sanitariums, nursing homes, clinics and veterinary hospitals, waste from slaughterhouses, poultry processing plants and the like. (Residential solid waste normally contains some hazardous materials but because such materials are usually present in very small quantities their safe disposal either in a sanitary landfill or incinerator presents no special problem. Therefore, residential waste is not considered to be hazardous within the meaning of hazardous waste as used in this chapter.)

*Household waste.* See "residential/household waste."

*Industrial waste.* All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants and slaughterhouses.

*Institutional/governmental waste.* Solid waste resulting from operations or activities of the Commonwealth of Virginia, its political subdivisions or agencies of the United States government.

*Mixed Paper.* Paper accepted for recycling that includes but is not limited to bond paper, computer paper, magazines, catalogs, bulk mailings, telephone and other directories, single layer cardboard, box board, and similar kinds of material.

*Occupant.* The person who resides on premises as owner or tenant.

*Open dump.* An unregulated disposal site that is operated without the required compaction and cover.

*Refuse.* All solid waste of a community.

*Residential/household waste.* Solid waste resulting from single detached family homes or condominiums, apartments, townhouses, trailers or duplexes.

*Sanitary landfill.* A land site on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazards to public health or safety.

*Solid waste.* ~~All putrescible and nonputrescible waste in solid form, including, but not limited to, garbage, rubbish, cardboard, ashes, street refuse, demolition and construction waste, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid waste or other discarded solid materials. The term shall not include automobiles or other motor vehicles nor any part thereof other than small parts or pieces of scrap metal or tires. As defined in 9 VAC 20-80-140 of the Solid Waste Management Regulations, Department of Environmental Quality, Commonwealth of Virginia.~~

*Transfer Station:* Any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

*Transportation.* The transporting of solid waste from the place of collection to a disposal facility.

*Trash.* ~~a~~Any and all rubbish, cans, bottles, containers, plastic, paper, cardboard or other discarded material of an inorganic nature.

*Unacceptable Waste:* shall mean those types of Solid Waste prohibited by Chapter 19, York County Code, as in effect of the date of this Agreement, from being transferred at a County-operated Disposal Facility including, but not limited to waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law; biomedical waste; or any other waste which by its nature, characteristic or quantity cannot lawfully be disposed at a permitted sanitary landfill without special handling. For the purpose of this Agreement, the term Unacceptable Waste shall also include batteries, tires, gasoline, paint and paint cans (except empty paint cans). Unacceptable Waste shall also specifically include, but not be limited to special and restricted waste as follows:

- (a) Special Waste: to include any solid, liquid, semi-solid, gaseous material and associated containers generated as a direct or indirect result of a manufacturing process

or from the removal of contaminant(s) from the air, water or land. Examples include, but are not limited to:

- (1) Asbestos waste
- (2) Compressed gas cylinders
- (3) Contaminated food products and fabrics requiring supervised disposal
- (4) Contaminated soils resulting from the removal of underground storage tanks (UST)
- (5) Discarded chemicals and pesticides (not regulated as hazardous waste)
- (6) Materials from a hazardous waste incident clean-up
- (7) Hazardous wastes generated by small quantity generators
- (8) Incinerator ash
- (9) Industrial process waste
- (10) Infectious waste
- (11) Low specific activity radioactive wastes
- (12) Oil spill clean-up
- (13) Outdated products
- (14) Pesticide containers

(b) Restricted Waste including:

- (1) Tree limbs, logs, stumps or wood products larger than 6" in diameter and 6' in length
- (2) Heating boilers (cast iron or tube type) or iron rods and steel pipe over 6' long
- (3) Automotive engine blocks
- (4) Automobile or truck frames or trailers
- (5) Large rolls or wire such as telephone, cable TV, electrical or guy wire
- (6) Building or land clearing debris from commercial enterprises, unless permitted by the County Code

(7) Oil tanks

(8) Drums that are not empty, properly cleaned and do not have at least one end removed

(9) Bulk or flammable liquids

(10) Any incinerated or burned debris

*Uncompacted refuse.* Refuse or waste which has not been reduced in volume by mechanical or hydraulic means or, if so, has not been maintained in this reduced volume state during transportation to the disposal facility.

*Vacant property.* A lot or parcel of real property either not improved by any structure or having a structure or structures neither occupied as a residence nor devoted to any other use normally involving the presence of employees or other persons on business days.

*Waste.* Useless, unwanted or discarded materials.

*Waste generator.* The person who actually produces the commercial, household, industrial or institutional/governmental solid waste.

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## ARTICLE II. DISPOSAL FACILITIES

### **Sec. 19-20. Disposal facilities.**

The county may maintain and operate such disposal facilities as it shall deem necessary in the public interest. Such disposal facilities shall be operated in accordance with regulations promulgated by the Virginia Department of Environmental Quality and in accordance with applicable provisions of the York County Code.

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### **Sec. 19-23. Use of county disposal facilities—Rules and regulations.**

All persons using any county disposal facility shall be subject to the following requirements, the violation of which shall result in punishment in accordance with section 19-4 of this chapter.

- (a) All materials disposed of at county disposal facilities will be inspected and after acceptance shall thereupon become the property of the county and shall be subject to salvage by the county for its own use and benefit. No person shall engage in scavenging at a county disposal facility without a written salvage permit from the county administrator. Such permit shall be subject to conditions designed to improve and promote county disposal facilities and shall not be granted if the activities of the scavenger would interfere with county operations. It is the intent of this

provision that a permit not be granted simply to further the business interests of scavengers but that, in addition, the county must derive a substantial benefit therefrom.

- (b) No person shall enter upon, deposit or dump any waste or solid waste at any county disposal facility at any time when such facility is closed.
- (c) All persons using a county disposal facility shall obey the orders and directives of the county employee or contractor in charge thereof.
- (d) The county administrator may issue permits to use county disposal facilities to persons engaged in the service of collecting or disposing of solid waste whether such waste was generated within or without the county, as provided in article III of this chapter. Permits are not necessary for other persons to use county disposal facilities.
- ~~(e) It shall be presumed that any person entering a county-owned disposal facility with a vehicle not displaying a valid county license decal is not a resident of the county. Agents or employees of county residents or county businesses may dispose of refuse generated at a residence or business located in the county at the disposal facility if they have evidence, deemed satisfactory by the county administrator, of such agency and residency in their possession while entering the disposal facility.~~
- ~~(e)(f)~~ Whenever solid waste brought by any person to a county disposal facility for disposal is such that, in the opinion of the county administrator or his designee, it requires special handling, he may refuse to accept the same or may agree to accept such solid waste upon payment of a service charge based upon the cost of handling and disposing of such waste as set forth in section 19-24.
- ~~(f)(g)~~ All persons desiring to deposit solid waste at any county disposal facility shall pay such fee, if any, for such disposal as shall be set out from time to time by resolution or ordinance of the board of supervisors.
- ~~(g)(h)~~ The county administrator shall be authorized to waive the tipping fee for disposal at the county transfer station for special community activities that support the express goals of the County.
- ~~(h)(i)~~ The county administrator shall be authorized to develop reasonable rules and regulations for the use and operation of county owned disposal facilities not in conflict with the provisions of this chapter. Upon approval by resolution of the board of supervisors of such rules and regulations, the violation of any such rule or regulation shall be deemed a violation of the provisions of this chapter.

#### **Sec. 19-24. Charges and permits for use of county disposal facilities.**

- (a) Use of county-owned disposal facilities shall be subject to the following fees and charges:

- (1) Individual households and qualified small businesses, as defined in section 19-62, which have elected to receive county solid waste collection services and are current in payments for such services may personally or by ~~agent~~ employees or officers in the case of businesses dispose of their own solid waste, including ~~limited amounts of~~ incidental construction debris generated from their own premises, at a county disposal facility at no additional charge. All other persons including contractors retained by households or by small businesses on county solid waste collection services who dispose of solid waste at the county transfer station for compensation shall pay a fee of forty-two dollars (\$42.00) per ton. This fee shall be prorated for amounts of waste that do not constitute an even ton; provided, however, that a minimum fee of five dollars (\$5.00) per vehicle shall be charged. All fees required to be collected at the time of disposal shall be rounded to the nearest whole dollar. Fees that are collected on a monthly basis pursuant to the provisions of subsection (6) of this section shall be for the exact amount of the fee incurred.
  - (2) There shall be no charge for the disposal of recyclable items, as listed in section 19-70(a), at designated county disposal facilities.
- (b) Persons disposing of waste requiring special handling (including food processing wastes), shall at a minimum pay the applicable tipping fees plus the following amounts:
- (1) ~~\$35~~ \$42.00 - 0 to 3,999 pounds
  - (2) \$52.50 - 4,000 to 6,000 pounds
  - (3) \$70.00 - Over 6,000 pounds
  - (4) Additional fees may be required by the county administrator as set forth in paragraph (d) of this section. Animal carcasses will not be accepted at the county's transfer station.
- (c) Prior to the acceptance of industrial or food-processing waste, or any other solid waste requiring special handling, the person desiring to dispose of the same shall secure a permit from the county administrator. Prior to the issuance of such permit, the county administrator shall determine the compatibility of the specific refuse with the method of disposal utilized. In determining such compatibility, the county administrator shall consider disposal volume, difficulty of handling, employee safety, likelihood of equipment damage, and any unusual health and environmental problems and current state and federal regulations. The disposal charge for any such material shall be as a minimum the amount set out in paragraph (b) above, but shall be higher as necessary to cover all cost associated with the special handling requirements, the potential damage to landfill equipment, environmental effects, state and federal rules and regulations regarding the waste and other factors as may be appropriate for such waste. Based on these considerations, the county administrator may require additional special handling charges as necessary from time to time for use at county disposal facilities.

- (d) In the event the disposal facility's scale is inoperative, charges for disposal shall be based upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of not fewer than fifteen (15) previous weighings by the vehicle carrying such waste and shall be modified by a visual inspection of the vehicle if such is feasible. For vehicles for which no history of previous weight data exists or for which insufficient data exists, the following rates shall apply:
- (1) *Uncompacted refuse*: The charge shall be fifteen dollars (\$15.00) per cubic yard of truck capacity.
  - (2) *Compacted refuse*: The charge shall be twenty-five dollars (\$25.00) per cubic yard of truck capacity.
- (d) Charges imposed under the provisions of this chapter shall be due and may be paid upon entering the disposal facility. At the discretion of the county administrator, bills may be rendered not less than monthly. All bills rendered after the date of adoption of this chapter shall be due and payable upon presentation and at the place designated by the county. If not paid within ten (10) days, the bill will be considered delinquent and a penalty of ten (10) percent or twenty-five dollars (\$25.00), whichever is greater, will be added to the original amount due. Interest at the rate of ten (10) percent per annum shall be charged on the aggregate of the payment and the penalty due beginning with the date the penalty is applied. If any bill shall not be paid within twenty (20) days of the billing date, then disposal privileges shall be terminated

#### **Sec. 19-24.1. Composting facility.**

All yard waste, as defined in section 19-62, that is generated in the county and is not collected by the county's solid waste collection service, may be delivered ~~(in a ¾-ton or smaller vehicle)~~, without payment of a fee by county residents to the composting facility operated at the county's waste management center by the Virginia Peninsulas Public Service Authority (VPPSA). All other persons, including county businesses, delivering yard waste to the composting facility shall pay the fees established by the Virginia Peninsulas Public Service Authority therefor.

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### **ARTICLE III. COLLECTION OF SOLID WASTE**

#### **Sec. 19-40. Permit required, conditions, renewal and revocation.**

- (a) *For whom permit required.* No person, including governmental agencies, shall engage in the business of collecting and/or disposing of solid waste in the county without first obtaining a permit therefor from the county administrator; provided,



however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

- (b) *Application; required information.* Any person desiring to engage in the collection and/or disposal of solid waste in the county shall make written application to the county administrator setting forth the name, phone number and address of such person, a description of the equipment to be used in the collection and transportation, the type or types of solid waste to be collected, the place and/or method of disposal, and such other information as may be reasonably required by the county.
- (c) *Insurance required.* No permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the county administrator evidence of a satisfactory comprehensive general liability insurance policy covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, as a minimum, in the amount required by the Commonwealth of Virginia. Such policy shall be provided for written notification to the county by the insured and the insurance carrier, of any cancellation of said policy not less than ten (10) days prior to the effective date of such cancellation.
- (d) *Bonds, permit fees; changes to application.* The applicant shall pay all required fees and furnish any necessary bonds required by this chapter prior to issuance of a permit. No permit holder shall make any changes in the items listed in his original application without first notifying the county administrator. The fee for permits issued pursuant to this section shall be one hundred dollars (\$100.00).
- (e) *Customer list.* Each permit applicant shall certify, prior to the issuance of a permit, that a customer list is maintained that includes street addresses of customers and specifies the rate to be charged for each type of residential service. Such list shall be provided to the county administrator upon request.
- (f) *Expiration of permits; annual renewal.* All permits shall expire on June 30 of the year following the year of issue and permits are renewable annually between June 1 and June 30.
- (g) *Evidence of business license tax payment.* There shall be submitted with each application for a permit evidence that the applicant has paid any applicable business license tax.
- (h) *Maintenance of business office.* No permit shall be issued or continued in effect until and unless the applicant maintains an office for the transaction of business to include the receipt of complaints, the payment of bills, the maintenance of records and the answering of inquiries. Such office shall be staffed during normal business hours with an authorized agent of the applicant, and serviced by a telephone listed in the telephone directory by trade name. Any change of address or telephone number shall be reported to the county administrator within five (5) business days.

- (i) *Permit issuance ~~and~~ conditions; ~~decals~~.* The county administrator shall issue a permit ~~in the form of a decal~~ upon receipt of a completed application and upon a finding that the applicant has complied with the applicable provisions of this chapter and provided that the granting of the permit will not unduly interfere with the provision of services to county residents or the processing of all solid waste generated in the county and will not cause the capacity of any county disposal facility to be exceeded. The county administrator may impose reasonable conditions on any permit deemed necessary to protect the sanitary and efficient operation of the county's disposal facilities. ~~The county administrator shall furnish one (1) decal for each vehicle to be used by the applicant and such decal shall be permanently affixed by the applicant on the front bumper of the vehicle.~~ Each permittee operating more than one (1) truck shall separately number each truck and shall display the number of each truck prominently in letters not less than four inches (4") in height on the front of the vehicle and on the passenger's side door.
- (j) *Issuance or denial.* A permit shall be issued or denied within thirty (30) days of the receipt of an application by the county administrator. A permit may be denied issuance or renewal for any violation of this chapter including, but not limited to, failure to pay delinquent disposal facility charges or for unsatisfactory delivery of customer service. A denial shall be accompanied by reasons for denial in writing. The application shall have a period of ninety (90) days from the date of any such denial within which to conform his application to the requirement of this article and at the expiration of that period the application shall be deemed to have expired.
- ~~(k) *Use of trucks or decals of other companies prohibited.* It shall be unlawful and grounds for permit revocation for any company which is delinquent in its disposal bill payment to use the truck or decal of any other company to gain access to a county disposal facility. It shall be unlawful for any company to allow another company to use its truck and/or decal in the aforementioned manner.~~
- ~~(k)~~ *Denial of permit as additional penalty.* In addition to any other penalty, any collector discovered illegally collecting refuse without a permit or violating the terms of an issued permit may be denied a refuse collection permit for a period of one (1) year from the time of the offense.
- ~~(m)~~ *Revocation of permit.* Failure to correct conditions and practices not in accordance with the provisions of this chapter (including nonpayment of tipping fees) within seven (7) days after receipt of written notice of violation shall cause the permit to be revoked by the county administrator.

#### **Sec. 19-40.1. Service areas; disposal of solid waste.**

- (a) The provisions of this section are enacted pursuant to the provision of section ~~15.4-28.12-930~~, Code of Virginia, and other general enabling legislation, and shall apply ~~on and after October 1, 1992~~, to all persons engaged in the business of collecting, transporting and/or disposing of solid waste in the county pursuant to a permit issued pursuant to section 19-40.

- (b) For purposes of this article, the entire county is hereby designated as a service area, within which any permittee pursuant to section 19-40 may engage in the business of collecting, transporting and/or disposing of solid waste, in the county, to the extent authorized in such permit, provided that all such solid waste shall be disposed of only in such places as may be designated by the county administrator.
- (c) It shall be unlawful for any person who holds a permit pursuant to section 19-40 to dispose of any solid waste collected in the county pursuant to the permit at any place other than that designated by the county administrator. The provisions of this section shall not apply to:
  - (1) Garbage, trash and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than an entity controlled by or under the same control as the manufacturer, miner, processor, refiner or converter of the energy or refuse-derived fuel;
  - (2) Recyclable materials, which are those materials that have been source-separated by ~~an~~ person, or materials that have been separated from refuse by any person for utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy;
  - (3) Construction debris to be disposed of in a landfill; or in a transfer station operated by the county.
  - (4) Waste oil.
- (d) Nothing contained in this section shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the county of the effective date of this section, if such contract irrevocably requires that all waste collected in the county be delivered to some specific location other than that designated by the county administrator. No renewal of any existing contract upon the expiration of the original term thereof, and no new contract for the collection, transportation or disposal of solid waste shall be entered into after the effective date of this section, unless such renewal or such contract shall conform to the requirements of this section.

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#### ARTICLE IV. SOLID WASTE RECYCLING REPORT

##### Sec. 19-50. Purpose.

The purpose of this article is the furtherance of solid waste management and the recycling of solid waste as provided for in section 10.1-1411, Code of Virginia, as authorized by section 15.~~1-11.5;2,2-939~~, Code of Virginia.

## ARTICLE V. SOLID WASTE COLLECTION SERVICE

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### Sec. 19-62. Definitions.

For the purposes of this article, the following words shall have the meaning indicated below:

*Bags.* Disposable, plastic garbage bags that can be sealed, and which when filled do not exceed forty (40) pounds in weight.

*Bulky items.* ~~Items of solid waste too large to fit into a container, such~~ Normal household items too large to be placed in the county furnished container, but which the Contractor shall collect as set out herein, including such items as stoves, refrigerators, hot water tanks, washers, dryers, ~~carpeting, box springs, mattresses, or other such usual household or business furnishings, but not including dead animals, stable materials~~ up to 6 rolls of carpet, a set of box springs and mattresses, regular size doors, lawn mowers, grills, or other normal household/business furniture. The term "Bulky Items" does not include dead animals, manure or other waste materials resulting from the operation of a horse or other animal stable, hazardous waste (including, for example, batteries), tires, construction or renovation debris, and/or other items too heavy or too bulky to be handled by a two-man crew ~~two persons.~~

*Bundle.* ~~Tree, brush or shrub trimmings which are securely tied together forming an easily handled package not exceeding four feet (4') in length and seventy five (75) pounds in weight.~~

*Container.* ~~A ninety six (96) gallon, or smaller, container, either furnished or caused to be furnished by the county for the storage and collection of solid waste, or provided by the occupant or owner of the premises served, as permitted herein~~ County furnished wheeled waste containers for each designated household or qualified small business, as needed.

*Household.* ~~A single family detached residence, or a condominium, apartment, town home, trailer or duplex that may be served by a container and is approved for such service.~~ detached family home, trailers, duplex, or other residential units that can be serviced by a container.

*Long driveway.* A private driveway that is greater than one hundred fifty feet (150') in length, measured from the edge of the nearest public right-of-way to the front of a household served by the driveway, and which the County has determined to be eligible for collection service.

*Low generator.* ~~A household or qualified small business which elects to provide its own container, provided that such container does not exceed forty (40) gallons in capacity, and provided that no more than twenty five (25) pounds of solid waste are put out for~~

~~collection weekly in such container~~ Solid waste collection services for households or qualified business with one (1) container allotted per customer.

*Private lane.* A right-of-way listed in the current York County street index as a private lane, ~~court, street, drive, avenue, circle, boulevard, run, road, way, crescent, crossing, place, parkway, or similar designation~~ the name of which typically is displayed on street signs having a white background with green lettering or black lettering on a yellow background.

*Qualified small business.* A licensed small business, civic or charitable organization, community or neighborhood association, religious institution, or similar entity capable of being served by one (1) or more ninety-~~six~~five (96~~5~~) gallon containers, which entity requests and is approved for service by the county administrator.

*Regular Service:* Solid waste collection services for households or qualified business with two (2) containers allotted per customer.

*Roadside.* That portion of the right-of-way adjacent to a paved or traveled public road-way, or adjacent to a private lane or long driveway.

*Solid waste.* Waste as defined ~~in section 3.1 of the Solid Waste Management Regulations, Virginia Register 672 20-10, Department of Waste Management in 9 VAC 20-80-140 of the Solid Waste Management Regulations, Department of Environmental Quality,~~ Commonwealth of Virginia.

*Solid waste materials.* Solid waste ~~, approved bags and bundles,~~ and bulky items.

*Yard waste.* Grass clippings, leaves, branch, plant materials, roots, branches, and similar biodegradable materials.

### **Sec. 19-63. Collection services—Generally.**

- (a) ~~Beginning March 1, 1993, t~~The county will furnish or cause to be furnished solid waste collection services for all single-family detached residences in the county, the owners or occupants of which agree to receive such services, excluding those on federal property. ~~Beginning March 1, 1993, t~~The county may, at its option, furnish or cause to be furnished solid waste collection services to households other than single-family detached residences, qualified small businesses, and households on federal property.
- (b) The county administrator is authorized to promulgate reasonable rules and regulations not in conflict with the provisions of this chapter for the operation and management of the county's collection system.

### **Sec. 19-64. Containers.**

- (a) Each household and qualified small business that is to receive solid waste collection services from the county ~~will be provided a container, unless otherwise agreed by the county and the owner or occupant of the premises to be served. Households or qualified small businesses which elect to receive low g~~shall be provided two (2) containers if Regular Service is elected or one (1) container if Low Generator service ~~shall provide their own container, which shall not exceed forty (40) gallons in capacity is elected.~~ Additional containers may be provided, upon request, for an additional fee, as set out in ~~this~~ article 19-73.
- (b) It shall be the responsibility of the owner or occupant of the premises ~~served~~<sup>supplied</sup> ~~by~~<sup>with</sup> a container to maintain it in a clean and sanitary condition, and in accordance with any maintenance instructions provided with it. Material including yard waste shall be placed inside bags whenever possible and the bags placed in the containers. When loose material becomes lodged inside of containers, it shall be the responsibility of the customer to dislodge the materials for the purpose of collection.
- (c) Containers shall not be filled to overflowing, and when filled shall not exceed Two hundred (200) pounds in weight. ~~When a container is full, extra solid waste may be placed in bags or bundles, subject to the limits set out in this article, and placed next to a~~No additional bags, bundles of garbage, yard waste or other solid waste materials may be placed outside of the container for collection.~~Those who receive low generator service may not place additional bags of garbage out for collection.~~
- (d) Containers shall be placed near edge of pavement or edge of road to enable the automatic arm of the collection vehicle to pick up the container.

#### **Sec. 19-65. Storage of solid waste.**

The responsibility for storage of solid waste prior to collection shall be with the occupant of each premises from which it is to be collected. The occupant shall maintain waste storage areas, containers, and the areas surrounding them in a clean, neat and sanitary condition at all times. It shall be the occupant's responsibility to remove any material outside of containers. If trash spillage occurs prior to collection by the County or its Contractor, the occupant shall be responsible for cleanup.

#### **Sec. 19-66. Placement of solid waste for collection by county.**

- (a) *Period permitted for placement; placement within enclosures.* On the day scheduled for collection, containers ~~, bags and bundles~~ shall be placed at the roadside ready for collection prior to 7 a.m. the day of collection, unless the occupants of the premises have been exempted from this requirement under the provisions of subsections (d) or (e) of this section. Containers ~~, bags and bundles~~ shall not be placed at the roadside for collection more than twelve (12) hours before the regularly-scheduled collection time, and shall be removed from the roadside no later than midnight of the day of collection. Households or qualified small businesses with driveways in excess of three hundred feet (300') in length may leave their



containers within enclosures near the roadway, if such enclosures comply with all county ordinances and are approved by the county administrator; provided that such containers must be placed at roadside in accordance with the provisions of this section for collection.

- (b) *Dates and time of collection.* The regularly-scheduled collection times shall be once per week, except in the case of inclement weather or other emergencies, on such dates and times as shall be established and announced by the county administrator. Such collection times shall coincide as closely as possible with the county's schedule for the collection of recyclable materials. Collection schedules may be adjusted for holidays.
- (c) *Bags and ~~b~~Bundles of Solid Waste:* ~~In addition to a container, or containers, to be collected, each household or qualified small business may set out for collection up to a total of six (6) bags and bundles per week. Yard waste must be placed in clear plastic bags or bound in bundles no longer than four (4) feet in length. Households or qualified small businesses which elect to receive low generator service shall not be entitled to set out solid waste for collection in bags, except for yard waste, which may in clear bags, subject to the limits above. Solid waste, other than yard waste, shall not be placed in bags unless the occupants' container is filled nor shall clear bags be used for such purpose. Occupants who routinely set out for collection two (2) or more bags filled with solid waste, other than yard waste, may be required by the county administrator to obtain and pay the required fees for an additional container. No bags, bundles of solid waste or yard waste may be placed outside of a container for collection, nor may any private containers be set out for collection by the County's contractor.~~
- (d) *Exemption for medical reasons or age.* The county administrator may exempt the occupants of any premises from the roadside collection requirements of subsection (a) of this section and provide for an alternate pickup location, upon the filing by such occupants of an appropriate affidavit, with such documentation as may be required by the county administrator, stating that due to medical reasons or advanced age, none of the occupants are able to place such containers, ~~bags or bundles~~ at the roadside for collection.
- (e) *Other types of exemptions.* The county administrator may also exempt, to the extent determined feasible by the county administrator, and if their driveways are of sufficient design to accommodate collection vehicles, the occupants of the following types of premises from the roadside collection requirements of subsection (a) of this section, upon application therefore and upon payment of the additional fees set out in section 19-73:
- (1) Occupants of premises with driveways no longer than one hundred and fifty feet (150') who desire to have the county transport the refuse to the roadside for collection;
  - (2) Occupants of premises with long driveways (greater than one hundred and fifty feet (150') in length), who place the container adjacent to such long driveway; and

- (3) Occupants of premises with long driveways (greater than one hundred and fifty feet (150') in length) who desire to have the county transport the refuse to a point adjacent to such long driveway.
- (f) *Placement of containers for exempted occupants.* In the event that the occupants of any premises are exempted from the roadside collection requirements of this section, they shall place their containers ~~-,bags-and-bundles-~~ for collection at such location as may be agreed upon by the county and the occupants. ~~To the extent practical, such bags and bundles should be placed at roadside.~~ Occupants who are exempted from the roadside collection requirements of this section shall ensure that on their regularly ~~-~~scheduled collection day, access to containers shall be kept clear, and that dogs are secured so as not to impede collection.
- (g) *County not responsible for maintenance of driveways or lanes.* Neither the county nor its agents shall be responsible for maintenance or normal wear and tear on private driveways or private lanes that are used for service pursuant to the provisions of subsection (e) above, and this shall expressly be made a condition of receiving such service.

#### **Sec. 19-67. Bulky ~~i~~Item and Special Yard Waste collection.**

##### (a) Bulky Item Collection:

- ~~(a)~~ (1) Occupants who receive county collection service and who desire to have bulky items collected must call the county in advance in accordance with a collection schedule to be published by the county administrator. Each household and qualified small business which has elected to receive collection services from the county is entitled to have ~~two (2)~~ three (3) bulky items collected per collection, ~~three (3)~~ four (4) times each calendar year. Single family detached and duplex residences which have elected not to receive county service may call the county in advance to receive bulky items collected, for such fee as is established by the board.
- ~~(b)~~ (2) New occupants of a household who elect to receive county collection services are permitted a one (1) time special bulky item collection of up to ~~ffteen (15)~~ thirty (30) boxes.
- ~~(c)~~ (3) Individual households and qualified small businesses, which have elected not to receive county service, may call the county to arrange for special bulky item collections for a fee of thirty dollars (\$30.00) per pick up. The county reserves the right to limit the amount of bulky items collected per pick up.

##### (b) Special Yard Waste Collection

- (1) Yard Waste that is collected by the County through special collection shall be as defined in section 19.62. In addition, limbs or tree trunks shall not



exceed 8" (inches) in diameter nor be longer than 10' (feet) in length. York County residents and qualified small businesses shall pay a fee of \$25.00 per pick-up and shall be limited to one collection every three months per household or qualified business. Each applicant requesting additional pickups within the three month period of the initial pickup shall pay a fee of \$250 for each additional pickup.

- (2) York County households or qualified small businesses may transport their own yard waste and tree trunks or limbs up to 24" in diameter and up to 10' long to the VPPSA facility. Tree Service or other commercial contractors transporting such wastes will be charged the VPPSA fee per Section 19-24.1.

**Sec. 19-68. Certain solid waste not to be collected.**

- (a) It shall be unlawful to deposit in containers ~~, bags, or bundles~~ for collection and transportation to county disposal facilities any of the following:

- (1) Hazardous waste as so characterized or designated by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law;
- (2) Industrial waste;
- (3) Construction, renovation, clearing and/or demolition debris;
- (4) Bulky items;
- (5) Dead animals;
- (6) Materials from stables;
- (7) Batteries or tires;
- (8) Waste oil;
- (9) Poisons, acids or caustics;
- (10) Explosives;
- (11) Hot ashes;

(12) Pool Chemicals

- ~~(12)~~(13) Any other solid unacceptable waste determined by the county administrator to be unsuitable for disposal at county disposal facilities defined above or waste that cannot be disposed of at a permitted landfill without special handling.

- (b) Collection may be refused any premises where the provisions of this article are violated. Violations of this article shall not relieve the responsible owner or occupant from payment of fees required by this article, in the event that such violations prevent collections to be made.
- (c) The following are several types of solid waste that shall be prepared in the manner indicated prior to being placed in a container for collection:
  - (1) *Hypodermic instruments and other sharp articles.* No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before breaking, disassembling, destroying or otherwise rendering the same inoperative and incapable of reuse. Such hypodermic syringe, needle, instrument or device shall not be disposed of without safeguarding by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to collection personnel.
  - (2) *Ashes.* Ashes shall be thoroughly wetted and cooled to the touch.
  - (3) *Pressurized cans.* All pressurized cans containing pesticides or any other dangerous materials shall be relieved of all pressure.
  - (4) *Glass.* All broken glass or any type of glass that may cause injury to collection personnel shall be separately wrapped to prevent injury.
  - (5) *Pesticides and poisons.* All pesticide and poison containers shall be emptied.

#### **Sec. 19-69. Tampering prohibited.**

No person shall tamper with any container ~~, bag or bundle~~ placed at the roadside for collection. No owner of a dog or other domesticated animal shall permit it to damage or open any ~~bag~~container placed at the roadside for collection.

#### **Sec. 19-70. Recycling.**

- (a) All households and qualified small businesses are encouraged to recycle separate ~~for collection, at such times and in such manner as may be established by the county administrator,~~ the following items:
  - (1) Glass (not including Pyrex glass, window glass, light bulbs, mirrors, china);
  - (2) Cans;
  - (3) Plastic milk jugs;

- (4) Plastics (not including Styrofoam);
  - (5) Cardboard (not including waxed paper, milk cartons);
  - (6) Newsprint and mixed paper;
  - (7) Aluminum scrap materials.
  - (8) Other material which may be added from time to time.
- (b) All recyclable items ~~that listed above~~ are ~~not required to be~~ separated for collection ~~and~~ shall be set out for collection in the recycling bins provided or caused to be provided by the county, and pursuant to the instructions furnished by the county.
- (c) Yard waste shall not be collected for disposal in county disposal facilities, unless it is placed in a ~~clear plastic bag or bags, or tied into a bundle. Yard waste shall not be placed in containers~~ county furnished container.
- (d) Yard waste as defined in section 19-62 that is too large to be placed in ~~bags or tied into bundles~~ containers, such as trees ~~or~~ limbs, may be collected from any premises in the county by a special collection, which occupants may arrange by calling the county in advance. The cost for each such collection shall be as specified in section 19-~~7367(b)(1)~~.

\* \* \*

### Sec. 19-73. Fees and charges.

- (a) Households and qualified small businesses who have elected to receive services from the county shall pay in arrears to the county bi-monthly fees and charges for such services in the following amounts:

	Standard Fee	Reduced fee for those who qualify under section 19-78
<u>Basic-Regular</u> service fee	26.00	20.00
Low generator fee	<del>\$20</del> 2.00	<del>\$18.00</del> n/a
Extra charge for those who elect service pursuant to subsection 19-66(e)(1)	<del>\$20</del> 18.00	<del>\$18</del> 6.00
Extra charge for those who elect service pursuant to subsection 19-66(e)(2)	<del>\$26</del> 4.00	<del>\$18</del> 6.00

	Standard Fee	Reduced fee for those who qualify under section 19-78
Extra charge for those who elect service pursuant to subsection 19-66(e)(3)	\$ <del>44</del> 2.00	\$3 <del>4</del> 2.00
Extra charge for additional containers; per <del>contain-</del> <del>er</del> month:	\$13.00	\$13.00
<del>Charge for special yard waste collection per pick up</del>	<del>\$10.00</del>	<del>\$10.00</del>

- (b) The above rates shall be effective ~~July~~May 1, 200~~0~~5.
- (c) All fees and charges for collection service shall be the responsibility of the owner of the premises served. If ~~the premises are occupied by~~ someone other than the owner occupies the premises, and such person is a recipient of the service and is responsible for the payment of such charges through agreement with the owner and the county, the county will bill such person with the consent and at the written direction of the owner. However, the owner of the premises served shall be responsible for billings of services even if the owner is not the recipient of the service.

\* \* \*

**Sec. 19-77. Charge to be assessed for checks returned from bank for insufficient funds or other reasons.**

When a check received in payment of service charges or fees is returned by the bank for insufficient funds or any other reason, a service charge of ~~twenty~~thirty-five (\$~~23~~5.00) shall be made for each returned check. This charge is to defray the administrative costs to the county of handling and processing returned checks.

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